

**REMARKS**

Claims 1-32 are pending in this application. By this Amendment, claims 1, 3 and 32 are amended.

The Office Action objects to claims 3-16 and 27-29 because of informalities. It is respectfully submitted that the above amendment to claim 3 obviates the ground for objection.

Applicant gratefully acknowledges the Office Action's indication that claims 17-25 and 30-31 are allowed and that claims 3-16 and 27-29 contain allowable subject matter.

The Office Action rejects claims 1, 2, 26 and 32 under 35 U.S.C. §103(a) over applicant's alleged admitted prior art (AAPA) in view of U.S. Patent 5,774,658 to Kalkunte et al. (hereafter Kalkunte). The rejection is respectfully traversed.

Applicant respectfully submits that the present specification does not make any statement regarding any admitted prior art as asserted in the Office Action. The Patent Office has not provided any reasons why Figure 2 and the corresponding description should be considered as Prior Art. As such, the rejection based on AAPA should be withdrawn at least for this reason.

Independent claim 1 recites a retransmission control circuit to retransmit data after a prescribed delay period when a prescribed number of collisions occur on the LAN. Independent claim 1 further recites that the retransmission control circuit includes a collision control unit to detect a collision and output a collision control signal, a first switch to switch a transmission data path output from the Ethernet controller between a first path and a second path based on the collision control signal, a buffer on the second path to store data, and a

second switch coupled to the first switch along the first path and coupled to the buffer along the second path, the second switch to pass the data to the codec.

The alleged admitted prior art does not teach or suggest all these features of independent claim 1. The Office Action admits that AAPA does not disclose a retransmission control circuit coupled to an Ethernet controller and a codec. However, Kalkunte does not teach or suggest the features of independent claim 1 missing from AAPA.

More specifically Kalkunte does not teach or suggest a collision control unit to detect a collision and output a collision control signal in combination with the claimed first switch, buffer and second switch, as recited in independent claim 1. Similar features were recited in original claim 3, which was indicated as containing allowable subject matter. Kalkunte merely discloses calculating a delay time equal to a randomized integer multiple ( $k$ ) of slot times ( $t_s$ ). Kalkunte further discloses using an internal delay counter to wait for the calculated delay time. During the delay time, if a receive carrier is asserted, the station may defer to the transmitting station. Alternatively, the station may wait until deassertion of the receive carrier is sensed before attempting transmission again. See Kalkunte's column 9, lines 3-19. As such, Kalkunte does not teach or suggest the collision control unit, the first switch, the buffer and the second switch as recited in independent claim 1.

For at least the reasons set forth above, independent claim 1 defines patentable subject matter. Claims 2 and 26 depend from claim 1 and therefore define patentable subject matter.

For at least similar reasons as set forth above, AAPA and Kalkunte do not teach or suggest the features relating to independent claim 32. That is, independent claim 32 recites transmitting data along a first data path, determining a prescribed number of data packet collisions in a single frame, routing the data along a second data path based on the collisions, storing a subsequent data packet of the frame in a buffer along the second data path, and retransmitting the subsequent data packet along the second path from the buffer after a prescribed delay time if the subsequent data packet transmission results in a collision. For at least similar reasons as set forth above, Kalkunte and AAPA do not teach or suggest these features at least relating to the claimed first data path and second data path as recited in independent claim 32. Thus, independent claim 32 defines patentable subject matter at least for this reason.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-32 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, David C. Oren, at the telephone number listed below.

Serial No. 09/666,284

Docket No. P-0116

Reply to Office Action dated September 20, 2004

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



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Attachment: Replacement Sheet  
Annotated Sheet

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**Date: December 16, 2004**

**Please direct all correspondence to Customer Number 34610**

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**AMENDMENTS TO THE DRAWINGS:**

The attached Replacement Sheet for Figures 3 and 4 makes a “full box” for element 400 in FIG. 3. These changes are shown on the Annotated Sheet.

